

In the claims

Concerning the status of the claims ever presented for review in the instant application:

Formally cancel previously withdrawn claims 1-10 and 13-14 respectively, without prejudice, as a matter of record;

Amend independent claim 11 and dependent claims 15-16, as recited hereinafter; and

Formally identify dependent claim 12 as a previously cancelled claim, as a matter of record.

In addition, in view of the explicit holdings of law rendered by the U.S. Supreme Court in the *Festo* case [*Festo Corp. v. Shoketsu kinzoku Kabushiki Co. Ltd. et al.*, 62 USPQ2d 1705 (2002)] concerning the applicability of the legal doctrine of equivalents to amended claim language, applicants now present a formal attestation and affirmation of the legal position and substantive rights: Applicants do not now surrender for any reason, nor have previously surrendered at any time or for any reason during the prosecution of the instant application, any inventive subject matter which is or could be expected to be a particular equivalent of the invention defined by the language of the amended claims then pending as understood by a person of ordinary skill in this art; and that no presumption of estoppel, either in law

or equity, exists or pertains now or at any time previously as a potential bar to the full application of the doctrine of equivalence for any and all possible embodiments which may be found to be encompassed now or in the future by the language of the amended claims proffered now or at any time previously for substantive examination and review by the U.S. Patent Office. Accordingly, applicants hereby affirmatively rebut and explicitly dispute any presumption that the doctrine of equivalents for the language of the amended claims has been surrendered or is not in full force for any reason now and at any time during the prosecution on the merits of any and all claims defining the invention of the instant application.

Also, in accordance with the currently revised amendment practice (compulsory as of July 30th, 2003), applicants now present a listing of all the claims, in ascending numerical order, which were ever submitted for review; provide an identification of those cancelled or withdrawn claims which were ever submitted, and offer for review the full text of those claims currently pending in the instant application. The listing of all claims ever presented and the full text of the presently pending claims begins on the immediately following page.

Claims 1-10 (canceled).

Claim 11 (currently amended). A family of PR-39 derived oligopeptides whose members individually cause a selective inhibition of proteasome-mediated degradation for at least one identifiable peptide in-situ after introduction intracellularly to a viable cell, each member of said PR-39 derived oligopeptide family comprising:

~~being a peptide less than 14~~ not substantially greater than 11 amino acid residues in length;

~~being a peptide having a N-terminal amino acid residue sequence~~
which begins with Arg-Arg-Arg;

~~being a peptide which is devoid of the amino acid residue sequences~~
Pro-Pro-X-X-Pro-Pro-X-X-Pro and Pro-Pro-X-X-X-Pro-Pro-X-X-Pro where X is any amino acid;

~~being a peptide able to be introduced intracellularly to a viable cell;~~

~~being a peptide able to interact selectively in-situ with such~~
proteasomes as are present within the cytoplasm of the cell; and

~~being a peptide able to alter markedly the proteolytic degradation of at~~
least one identifiable peptide mediated by said interacting proteasomes such
that an increased expression of said identifiable peptide occurs in-situ.

Claims 12-14 (canceled).

Claim 15 (currently amended). The PR-39 derived oligopeptide family as recited in claim 11 whose membership includes a peptide comprised of 11 amino acids residues and whose sequence is Arg-Arg-Arg-Pro-Arg-Pro-Pro-Tyr-Leu-Pro-Arg (SEQ ID NO. 4).

Claim 16 (currently amended). The PR-39 derived oligopeptide family as recited in claim 11 whose membership includes a peptide comprised of 8 amino acids residues and whose sequence is Arg-Arg-Arg-Pro-Arg-Pro-Pro-Tyr (SEQ ID NO. 5).